

ASSEMBLY BILL

No. 2854

Introduced by Assembly Members Nunez and Laird

February 20, 2004

An act to amend Sections 10404.5 and 10405.7 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2854, as introduced, Nunez. Elections: state mandates.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

Existing law requires a county board of supervisors, prior to adopting a resolution to approve or deny requests to consolidate specified local elections, to obtain from the county elections official a report on the cost-effectiveness of the proposed consolidation.

This bill would make these state-mandated local programs optional, but would state that the Legislature, in recognition of the state and local interests served by these programs, encourages the local agencies and officials to continue taking actions formerly mandated by these provisions.

This bill would also make nonsubstantive changes to those provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10404.5 of the Elections Code is
2 amended to read:

3 10404.5. (a) A resolution of the governing board of a school
4 district or county board of education to establish an election day
5 pursuant to subdivision (b) of Section 1302 shall be adopted and
6 submitted to the board of supervisors not later than 240 days prior
7 to the date of the currently scheduled election of the district or ~~for~~
8 the members of the county board of education.

9 (b) The final date for the submission of the resolution by the
10 governing board or county board of education to the board of
11 supervisors is not subject to waiver.

12 (c) The board of supervisors shall notify all school districts and
13 the county board of education located in the county of the receipt
14 of the resolution to consolidate and shall request input from each
15 district on the effect of consolidation.

16 (d) (1) The board of supervisors, within 60 days from the date
17 of ~~submission~~ receipt, shall approve the resolution unless it finds
18 that the ballot style, voting equipment, or computer capacity is
19 ~~such that cannot handle~~ additional elections or materials ~~cannot be~~
20 ~~handled~~. Prior to the adoption of a resolution to either approve or
21 deny a consolidation request, the board or boards of supervisors
22 ~~shall~~ may obtain from the elections official a report on the
23 cost-effectiveness of the proposed action.

24 (2) Public notices of the proceedings in which the resolution is
25 to be considered for adoption shall be made pursuant to Section
26 25151 of the Government Code.

27 (e) Within 30 days after the approval of the resolution by the
28 board of supervisors, the elections official shall notify all
29 registered voters of the districts affected by the consolidation of
30 the approval of the resolution by the board of supervisors. The
31 notice shall be delivered by mail and at the expense of the school
32 district or, if applicable, the county board of education.



(f) (1) An election day established pursuant to subdivision (b) of Section 1302 shall be prescribed to occur not less than one month, nor more than 12 months, subsequent to the election day prescribed in Section 5000 of the Education Code or pursuant to Section 1007 of the Education Code, as appropriate. ~~As~~

(2) As used in this subdivision, “12 months” means the period from the election day prescribed in Section 5000 of the Education Code or pursuant to Section 1007 of the Education Code, as appropriate, to the first Tuesday after the first Monday in the 12th month subsequent to that *election* day, inclusive.

~~In the event that~~ (g) If the election day for a school district governing board or county board of education is established pursuant to subdivision (b) of Section 1302, the term of office of all then incumbent members of that governing board or county board of education shall be extended accordingly.

(h) *In recognition of the state and local interests served by the action made optional in subdivision (d), the Legislature encourages the local agency to continue taking the action formerly mandated by that subdivision.*

SEC. 2. Section 10405.7 of the Elections Code is amended to read:

10405.7. (a) The resolution of the community college district governing board to establish an election day pursuant to subdivision (b) of Section 1302 shall be adopted and submitted to the board of supervisors not later than 240 days prior to the date of the currently scheduled election for the governing board members of the community college district.

(b) The final date for the submission of the resolution by the community college district governing board to the board of supervisors ~~is not subject to waiver~~ *may not be waived*.

(c) The board of supervisors shall notify all community college districts located in the county of the ~~receipts~~ *receipt* of the resolution to consolidate and shall request input from each district on the effect of consolidation.

(d) (1) The board of supervisors, within 60 days from the date of ~~submission~~ *receipt*, shall approve the resolution unless it finds that the ballot style, voting equipment, or computer capacity is ~~such that cannot handle~~ *cannot be handled*. Prior to the adoption of a resolution to either approve or deny a consolidation request, the board or boards of supervisors

1 ~~shall~~ may each obtain from the elections official a report on the
2 cost-effectiveness of the proposed action.

3 (2) Public notices of the proceedings in which the resolution is
4 to be considered for adoption shall be made pursuant to Section
5 25151 of the Government Code.

6 (e) Within 30 days after the approval of the resolution by the
7 board of supervisors, the elections official shall notify all
8 registered voters of the districts affected by the consolidation of
9 the approval of the resolution by the board of supervisors. The
10 notice shall be delivered by mail and at the expense of the
11 community college district.

12 (f) (1) An election day established pursuant to subdivision (b)
13 of Section 1302 shall be prescribed to occur not less than one
14 month, nor more than 12 months, subsequent to the election day
15 prescribed in Section 5000. ~~As~~

16 (2) As used in this subdivision, “12 months” means the period
17 from the election day prescribed in Section 5000 of the Education
18 Code to the first Tuesday after the first Monday in the 12th month
19 subsequent to that *election* day, inclusive.

20 (g) If, pursuant to subdivision (b) of Section 1302, a district
21 governing board member election is held on the same day as a
22 statewide general election, those district governing board
23 members whose four-year terms of office would have, prior to the
24 adoption of the resolution, expired prior to that election shall,
25 instead, continue in their offices until successors are elected and
26 qualified.

27 (h) *In recognition of the state and local interests served by the*
28 *action made optional in subdivision (d), the Legislature*
29 *encourages the local agency to continue taking the action formerly*
30 *mandated by that subdivision.*

31 SEC. 3. This act is an urgency statute necessary for the
32 immediate preservation of the public peace, health, or safety
33 within the meaning of Article IV of the Constitution and shall go
34 into immediate effect. The facts constituting the necessity are:

35 In order to make the necessary statutory changes to implement
36 the Budget Act of 2003 at the earliest possible time, it is necessary
37 that this act take effect immediately.